

Incident

IR#

Reported On

3:22 PM

Reported By

Incident Type

Sexual Misconduct

Date/Time of Incident

2017 1:00 pm

Location of Incident

Room

Incident Description

On [REDACTED] around 11am, Campbell Resident Assistant [REDACTED] came to RHD [REDACTED] office. RA [REDACTED] stated that she had spoken with her resident [REDACTED] around 11:10pm about an experience [REDACTED] had gone through. Resident [REDACTED] said that she had gone somewhere to hook up with a male student, and his roommates had taken photos of them while having sex. [REDACTED] and RA [REDACTED] arranged for a meeting at 1pm so resident [REDACTED] could tell [REDACTED] and have a report filed.

RA [REDACTED] resident [REDACTED] and resident [REDACTED] arrived to the RHD office at 1pm. [REDACTED] invited resident [REDACTED] to share what she felt comfortable sharing. Resident [REDACTED] stated the following:

[REDACTED] had been texted a male student, [REDACTED] for a few weeks on Tinder. Around midnight on [REDACTED] resident [REDACTED] texted resident [REDACTED] to see if she wanted to come over and have sex. Resident [REDACTED] agreed and went over to [REDACTED] around 2am. Resident [REDACTED] had asked resident [REDACTED] if she would "let his boys hit", to which she said no, she was only coming over to hook up with resident [REDACTED]. Resident [REDACTED] thought this was a little strange, and had told resident [REDACTED] that she wanted to keep everything private, and didn't want any pictures taken or anyone else knowing that she came over. Resident [REDACTED] said he would keep things private and no pictures would be taken.

When she got to [REDACTED] resident [REDACTED] told resident [REDACTED] to be quiet since his roommates were home and asleep in the room. Resident [REDACTED] said they would be staying in the main room, which resident [REDACTED] thought was weird since resident [REDACTED] roommate who shares a bedroom wasn't home, but she didn't say anything. While residents [REDACTED] and [REDACTED] started having sex, his roommates/friends started walking through the main room. Resident [REDACTED] said they "were cool and don't care about what's going on in the living room". At one time, one of the other individuals there said "oh, I'm next", and implied that he was going to "tap in". Resident [REDACTED] said "no, that's not what I agreed to."

Resident [REDACTED] then asked if resident [REDACTED] wanted to have a threesome with one of his roommates. Resident [REDACTED] said no, and that she didn't feel comfortable with that. While having intercourse, resident [REDACTED] attempted to have anal sex with resident [REDACTED]. Resident [REDACTED] was not okay with this and told him to stop. Resident [REDACTED] listened, and apologized for trying.

Resident [REDACTED] asked resident [REDACTED] if she wanted to have sex with his friend, who she believes he called [REDACTED]. Resident [REDACTED] said no, but did agree to perform fellatio on [REDACTED]. Another roommate or friend asked her to give him [REDACTED] as well; resident [REDACTED] said no. While resident [REDACTED] was performing fellatio, she was aware of the fact that resident [REDACTED] was behind her for a long time. She did not think anything of it but thought it was weird. Resident [REDACTED] had mentioned to resident [REDACTED] that she was "the only [REDACTED] girl" he has had sex with.

Resident [REDACTED] and his friend dropped resident [REDACTED] off a [REDACTED] a couple hours later. Resident [REDACTED] friend said "I'll see you tomorrow" when resident [REDACTED] was getting out of the car, which she did not understand since she didn't plan on seeing

any of them. Resident [REDACTED] also felt that the two men were acting weird in the car on the way to [REDACTED]

At 10:46pm on [REDACTED] resident [REDACTED] received a snapchat message from a former boyfriend [REDACTED]. The snapchat was a photo of resident [REDACTED] naked and a male with a "Make America Great Again" hat. Resident [REDACTED] face was not in the photo but she recognized herself and the living room furniture of [REDACTED]. Student [REDACTED] said "Oh I see why you haven't been texting me", in what resident [REDACTED] feels was a malicious way. Resident [REDACTED] took a screen shot of the photo and saved it to her phone. Resident [REDACTED] told student [REDACTED] that she was not okay with the photo and that she would be going to the police. Student [REDACTED] tried to tell resident [REDACTED] that she needed to keep his name out of any report, and that if she agreed to do that, he would tell her who had sent him the photo. Student [REDACTED] told resident [REDACTED] the photo was shared by resident [REDACTED]

Student [REDACTED] and resident [REDACTED] are in the same fraternity, Phi Sigma Phi. Resident [REDACTED] believes that all of resident [REDACTED] roommates are also part of Phi Sigma Phi. Resident [REDACTED] believes that resident [REDACTED] shared the photo in a group message with his fraternity brothers, because resident [REDACTED] and student [REDACTED] are not close friends who would typically share that type of message with each other.

Resident [REDACTED] noted that resident [REDACTED] had blocked her on snapchat. After messaging resident [REDACTED] about the photo on Tinder, resident [REDACTED] "unmatched" himself from resident [REDACTED]. Student [REDACTED] gave resident [REDACTED] resident [REDACTED] number [REDACTED] as proof that it was resident [REDACTED] which residents [REDACTED] and [REDACTED] were able to match name to number via Snapchat.

Resident [REDACTED] messaged resident [REDACTED] to confront him about the photo, resident [REDACTED] denied that he had taken a photo and then stopped responding.

Resident [REDACTED] feels that her privacy was violated and she is upset that a photo was taken after she expressly said that she did not want any pictures taken - especially since the photo appears to have been shared with multiple people. Resident [REDACTED] also feels that how the situation happened must have been agreed upon by the young men in the room, prior to her going over to [REDACTED]. Due to [REDACTED], and the fact that the male in the photo was wearing a "Make America Great Again" hat, resident [REDACTED] feels [REDACTED]. She felt extremely uncomfortable about the whole situation but was unsure on what to do or how to react.

[REDACTED] offered to have an CMU police officer come take a statement from her, Resident [REDACTED] agreed. Officer W.P. Martinez came to the RHD office around 1:45pm. Resident [REDACTED] relayed her story again. Officer Martinez asked resident [REDACTED] to make a written statement while he went to [REDACTED] to see if resident [REDACTED] was home. Resident [REDACTED] also scheduled an appointment to speak with someone in OCRIE for [REDACTED] at 11am.

Officer Martinez came back to the RHD office at 3pm to get the written statement and asked to speak with resident [REDACTED] again. Resident [REDACTED] came back to the RHD office. Officer Martinez stated that taking a photo like the one described could be deemed as a felony. Resident [REDACTED] said she still wanted to move forward with the process. Officer Martinez asked to be sent the photo, and any screenshots of any conversations that had been had. Residents [REDACTED] and [REDACTED] sent all screenshots to Officer Martinez via email.

EOR

Students of Concern

Residence Hall Director Called

No

Sexual Violence Card Used

Yes

Medical Transport

No

Police Called

Yes

Police Report

Status

Processing

Administrative Action

Appealed

No

FW: Restriction Letter

Subject

FW: Restriction Letter

Body

From: Larry Klaus

Date: Monday, December 18, 2017 at 10:45 AM

To: "Idema Jr, Thomas H"

Subject: Restriction Letter

SURE which case ? It looks like she has a lot going on ?

LK

Hey Larry,

OCRIE has requested that we send some no contact letters for the [REDACTED] Case with the guys from [REDACTED] Is your Sexual Misconduct Investigative Cadre cool with us doing this? Please advise.

Thank you!

Take care,

[id:image001.jpg@01D2A3E7.C4FBB9D0]

Larry S Klaus

Lieutenant

Central Michigan University Police Department

1720 S. East Campus Dr, Mt Pleasant, MI, 48859

P: 989-774-7396

E: klaus1ls@cmich.edu

F: 989-774-2470

www.police.cmich.edu

Central Michigan University Police

Incident Case Number:



Reporting Agency: Central Michigan University

Print Date/Time: 12/18/2017 10:42:35

Disclaimer: The information contained within this report is reflective of the investigation at the date and time of its printing.

INCIDENT DATA

MOV
I
C
T
I
M

OTHERS INVOLVED

PROPERTY

Status

INCIDENT/INVESTIGATION REPORT

Central Michigan University Police

Case #

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers

Suspect Hate / Bias Motivated: *NONE*

INCIDENT/INVESTIGATION REPORT

Narr. (cont.)

Central Michigan University Police

NARRATIVE

REPORTING OFFICER NARRATIVE

Central Michigan University Police

Victim [REDACTED]	Offense HARASSMENT	OCA [REDACTED] Date / Time Reported Tue 12/12/2017 13:29
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THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

INFORMATION:

On [REDACTED] 17, at approximately 1330 hours, the complainant called C.M.U. Police Department regarding a harassment.

COMPLAINANT:

VICTIM:

On [REDACTED] at approximately 1345 hours, I met with [REDACTED] in the RHD office.

[REDACTED] advised on Monday, [REDACTED] at approximately 0230 hours [REDACTED] invited her over to his room to hook up. [REDACTED] picked her up and they went to his dorm, room [REDACTED]. Once in his room [REDACTED] asked her if she would like to have a threesome but she told him no.

She said she had sex with [REDACTED] which was consensual. She then gave oral sex to one of his roommate. While she was performing this act, she said she noticed [REDACTED] standing behind her.

On [REDACTED] at approximately 2246 hours, she received a picture on snap chat of her, naked performing oral sex on one of [REDACTED] roommates. She said she is upset because the picture was taken without her permission and was put on the internet.

I asked her how did she knew [REDACTED]. She said she met him on tinder a couple days ago and he called her so they decided to get together to hook up.

I asked her if she knew the person she gave oral sex to. She stated she did not.

[REDACTED] advised me that these acts all occurred in the common living area of room [REDACTED].

[REDACTED] advised she is willing to prosecute over the picture only. She stated she is not upset with having sex with [REDACTED] for the oral sex, it is the picture she is upset with because it was taken and put out there without her permission.

[REDACTED] wrote out a written statement of what happened that night.

SUSPECT:

I asked [REDACTED] if he knew [REDACTED]. He stated that he did not.

I asked him on Monday around 2:30 in the morning, if he had picked up a girl and brought her to his room. He said Yes.

I told him that girl was [REDACTED]. He said he met her on tinder about last week. He called her and she

REPORTING OFFICER NARRATIVE

Central Michigan University Police

Victim [REDACTED]	Offense <i>HARASSMENT</i>	OCA [REDACTED] Date / Time Reported <i>Tue 12/12/2017 13:29</i>
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agreed to come to his room to have sex with him.

I asked him if she performed oral sex on anyone. He said she did with his roommate [REDACTED]

I asked him if these acts occurred in his bedroom. He said no, they had sex in the main room.

I asked him if he took a picture of her performing oral sex on his roommate. He stated that he did.

He said he only sent it to his roommate.

He said the following day, she contacted him and told him to delete it, which he said he did right away.

[REDACTED] wrote out a written statement admitting to taking the picture.

According to [REDACTED] and [REDACTED] both sexual acts were consensual. The acts were performed in the living common area of the room.

EVIDENCE:

A picture of a naked [REDACTED] performing oral sex on a white male wearing a red baseball cap with the saying "MAKE AMERICA GREAT AGAIN". The picture only shows the back of the head of the [REDACTED]. The picture is placed in locker #3 as evidence.

LOCATION:

TIME&DATE:

Occurred at approximately 0230 hours, on [REDACTED]

DISPOSITION:

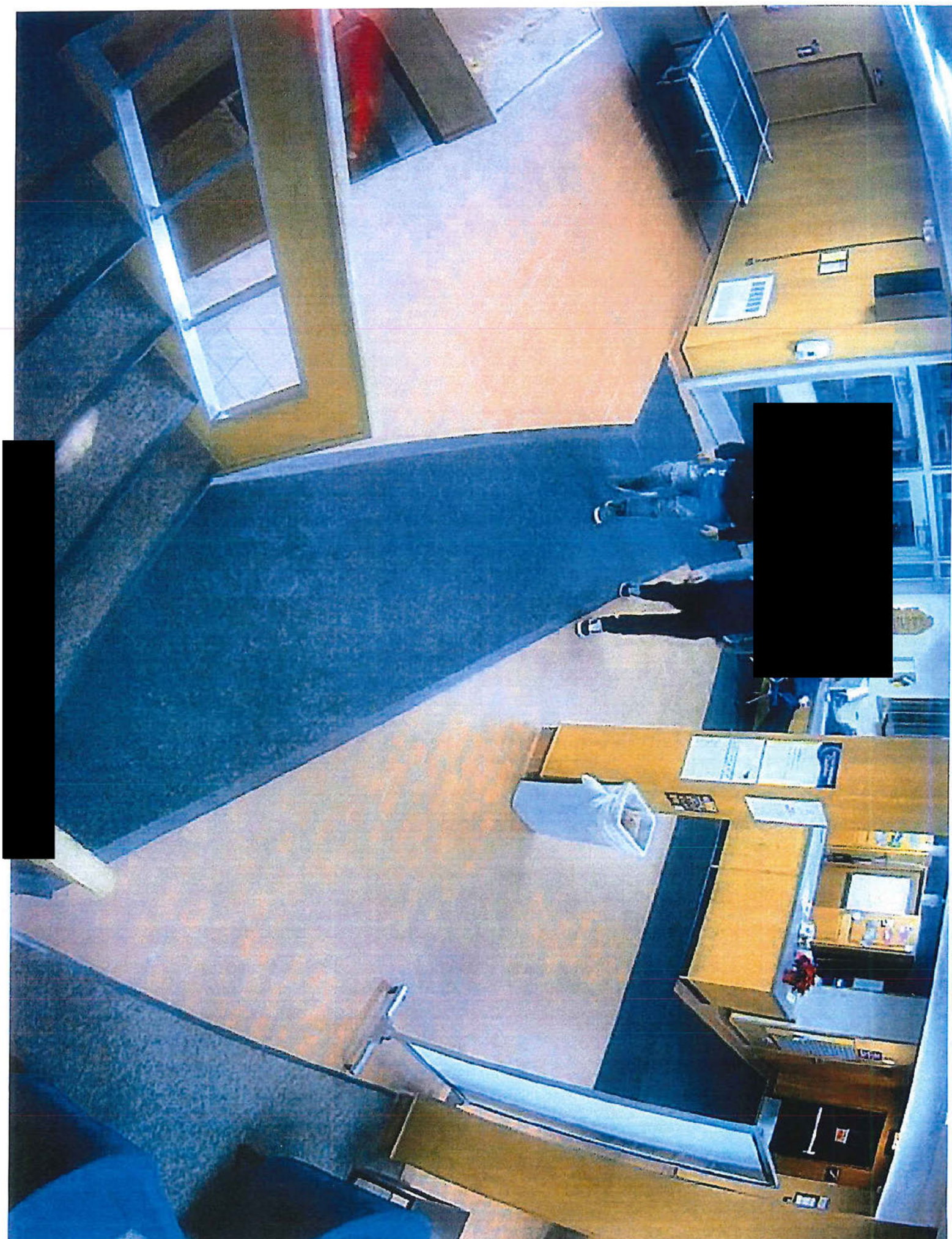
T.O.T. Prosecutors office for review.

Incident Report Suspect List

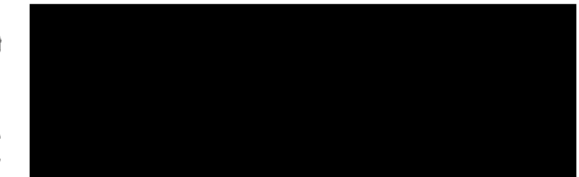
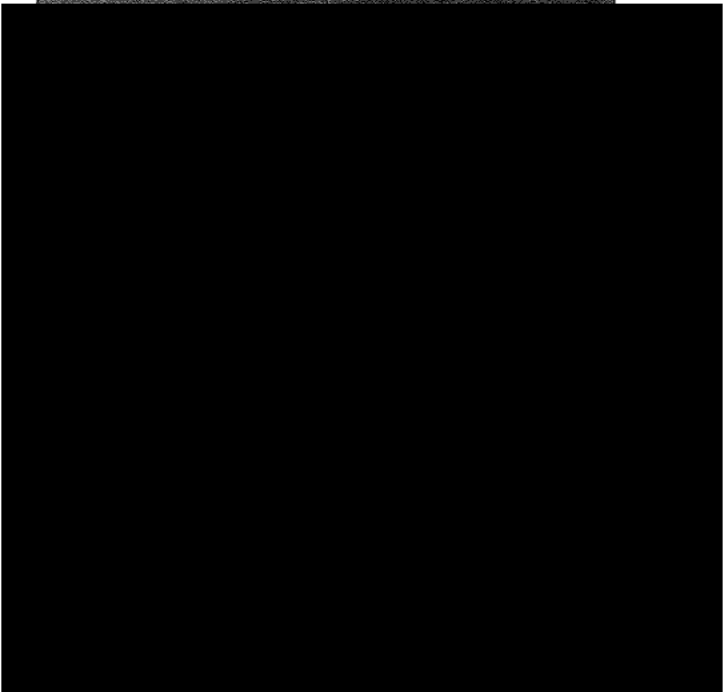
Central Michigan University Police

OCA: [REDACTED]

1	Name (Last, First, Middle)						Also Known As				[REDACTED]	
	[REDACTED]											
	Business Address										[REDACTED]	
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State		
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]							[REDACTED]		
Scars, Marks, Tattoos, or other distinguishing features												
Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height		Weight		SSN	
Weapon, Type	Feature	Make		Model		Color		Caliber	Dir of Travel			
									Mode of Travel			
VehYr/Make/Model			Drs	Style		Color		Lic/St		VIN		
Notes						Physical Char						

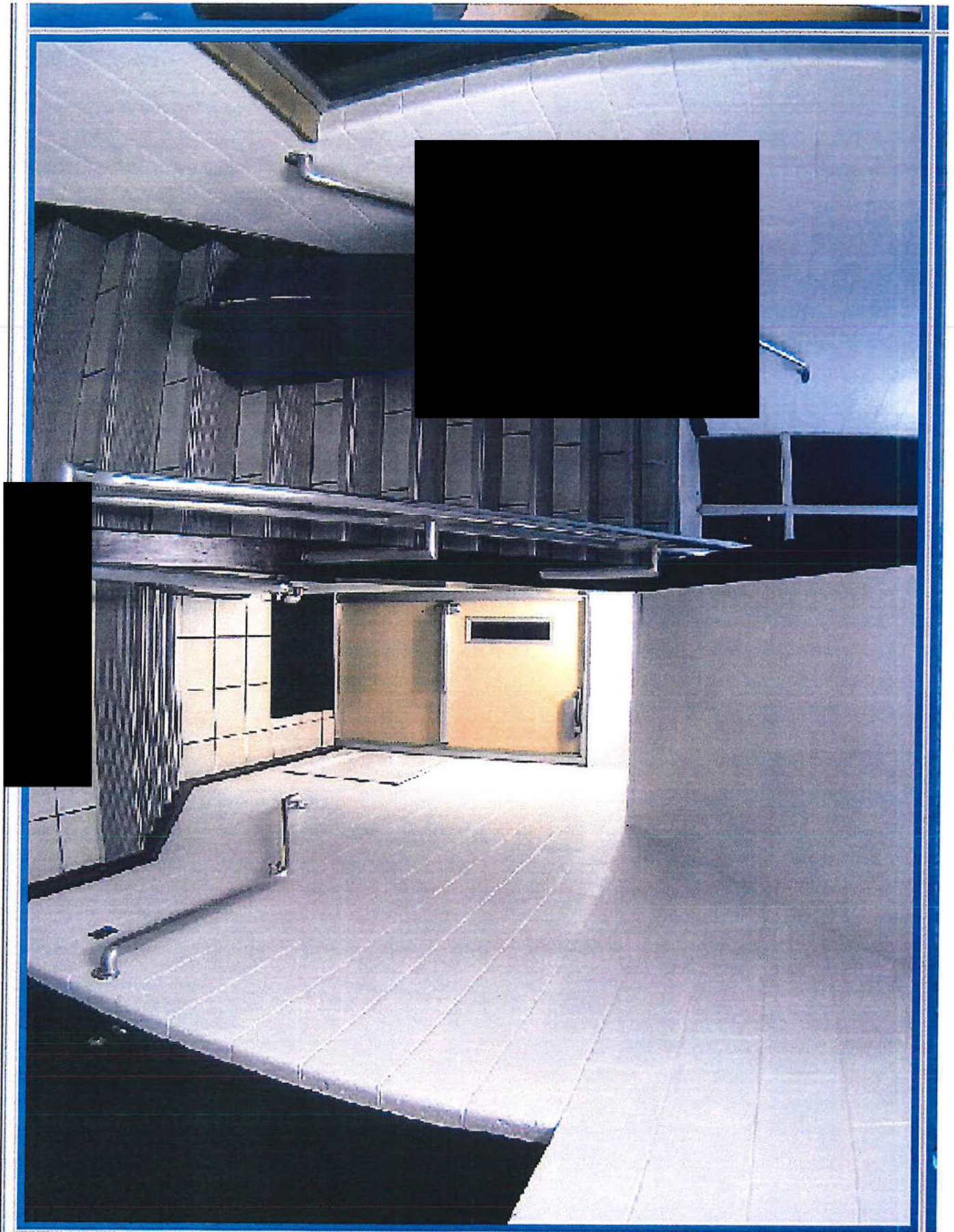






2017, 3:20 a.m.
2017, 3:20 a.m.
2017, 3:19 a.m.
2017, 3:05 a.m.
2017, 3:05 a.m.

- . . - - - - -



Subject: Re: Restriction Letter
Date: Monday, December 18, 2017 at 11:47:48 AM Eastern Standard Time
From: Idema Jr, Thomas H
To: Sienkiewicz, Michael H, Klaus, Larry S
Attachments: image001.jpg, image002.jpg, image003.jpg, image004.jpg, image005.jpg, image006.jpg

Thanks Mike,

That would be very helpful!

Take care,



Thomas Idema

Director | Office of Student Conduct
280 Ronan Hall | Central Michigan University
P: 989-774-1345 | E: Tom.Idema@cmich.edu
www.cmich.edu

From: "Sienkiewicz, Michael H" <sienk1mh@cmich.edu>
Date: Monday, December 18, 2017 at 11:46 AM
To: "Idema Jr, Thomas H" <idema1th@cmich.edu>, Larry Klaus <klaus1ls@cmich.edu>
Subject: RE: Restriction Letter

Bill Martinez has completed his initial report, which is being submitted to the Prosecutor's office for review, and we don't anticipate further investigation at this time. The PA did not feel there is any expectation of privacy in the common room of the residence hall. We can follow up after we hear back from the PA.



Mike Sienkiewicz
Lieutenant
Central Michigan University Police Department
1720 S. East Campus Dr, Mt Pleasant, MI, 48859
P: 989-774-3119
E: sienk1mh@cmich.edu
F: 989-774-2470
www.police.cmich.edu

From: Idema Jr, Thomas H
Sent: Monday, December 18, 2017 11:29 AM
To: Klaus, Larry S <klaus1ls@cmich.edu>
Cc: Sienkiewicz, Michael H <sienk1mh@cmich.edu>
Subject: Re: Restriction Letter

Thanks! That makes a lot of sense.

Take care,



Thomas Idema

Director | Office of Student Conduct
280 Ronan Hall | Central Michigan University
P: 989-774-1345 | E: Tom.Idema@cmich.edu
www.cmich.edu

From: Larry Klaus <klaus1ls@cmich.edu>
Date: Monday, December 18, 2017 at 11:27 AM
To: "Idema Jr, Thomas H" <idema1th@cmich.edu>
Cc: "Sienkiewicz, Michael H" <sienk1mh@cmich.edu>
Subject: RE: Restriction Letter

We are trying to determine that, but due to the circumstances I don't see search warrants being authorized in order to search phones to find if the photos are being shared by the fraternity members.

Lt. Sienkiewicz conferred with Prosecutor Holmes last week and he advised since the sex act was consensual and took place in a common area (the shared living space in the apartment) the involved parties had no expectation of privacy and it was highly unlikely that any charges would be authorized.

Just FYI



Larry S Klaus
Lieutenant
Central Michigan University Police Department
1720 S. East Campus Dr, Mt Pleasant, MI, 48859
P: 989-774-7396
E: klaus1ls@cmich.edu
F: 989-774-2470
www.police.cmich.edu

From: Idema Jr, Thomas H
Sent: Monday, December 18, 2017 11:12 AM
To: Klaus, Larry S <klaus1ls@cmich.edu>
Subject: Re: Restriction Letter

The case is report [REDACTED] just read the report. From what we know the picture was sent to more than just one person. A Fraternity, Phi Sigma Phi might be involved.

Take care,



Thomas Idema

Director | Office of Student Conduct
280 Ronan Hall | Central Michigan University
P: 989-774-1345 | E: Tom.Idema@cmich.edu
www.cmich.edu

From: Larry Klaus <klaus1ls@cmich.edu>
Date: Monday, December 18, 2017 at 10:45 AM
To: "Idema Jr, Thomas H" <idema1th@cmich.edu>
Subject: Restriction Letter

SURE which case ? It looks like she has a lot going on ?

LK

Hey Larry,

OCRIE has requested that we send some no contact letters for the [REDACTED] Case with the guys from Trout Hall. Is your Sexual Misconduct Investigative Cadre cool with us doing this? Please advise.

Thank you!

Take care,



Larry S Klaus
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